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Attorneys for Defendant
Google Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

VICKI VAN VALIN, on behalf of herself
and all others similarly situated within the
state of Oregon; NEIL MERTZ on behalf
of himself and all others similarly situated
within the state of Washington,

Plaintiffs,

v.

GOOGLE, INC., a Delaware corporation,

Defendant.

No. CV 10-557 ST

DECLARATION OF DAVID J. BURMAN

I, David J. Burman, do hereby declare:

1. I am one of the attorneys in this case for defendant Google Inc. and make this declaration on personal knowledge.

2. I have conferred with counsel for Plaintiffs in this case regarding Google's Motion to Stay Pretrial Deadlines, and Plaintiffs' counsel stipulates to and does not oppose this motion.

3. On May 17, 2010, plaintiffs instituted this action by filing a putative class action complaint which alleges that Google violated the federal Wiretap Act, 18 U.S.C. § 2510 et seq., by allegedly using its "Street View" vehicles to receive electronic data being transmitted over open wireless ("Wi-Fi") internet connections.

4. Seven other cases were filed in five federal judicial districts which also allege that Google violated the federal Wiretap Act, among other laws, by allegedly using its Street View vehicles to receive data being transmitted over open Wi-Fi connections ("Google Wi-Fi Cases"). Google is the sole defendant in all of the Google Wi-Fi Cases.

5. On June 14, 2010, plaintiffs in the case *Keyes v. Google Inc.*, No. 1:10-cv-0896-JDB (D.D.C.), pursuant to 28 U.S.C. § 1407, moved the United States Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") for an order transferring the Google Wi-Fi Cases, as well as all subsequently filed related actions, to the United States District Court for the District of Columbia for coordinated or consolidated pretrial proceedings. The *Keyes* plaintiffs' motion for transfer of actions and for coordinated or consolidated pretrial proceedings remains pending before the JPML.

6. Google agrees with the *Keyes* plaintiffs that the cases should be consolidated but will ask the Panel to transfer the Google Wi-Fi Cases, as well as all subsequently filed related actions, to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings.

7. In consideration of the foregoing, Google moves the Court for, and plaintiffs stipulate to, an Order as follows:

2- DECLARATION OF DAVID J. BURMAN

a. All pretrial deadlines shall be stayed pending the JPML's resolution of whether the Google Wi-Fi cases, and all subsequently filed related actions, should be transferred to a single judicial district for coordinated or consolidated pretrial proceedings;

b. In the event that the JPML denies transfer of the Google Wi-Fi cases, and all subsequently-filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings, Google shall have thirty days from the date of the order denying transfer to plead, answer, move, or otherwise respond to plaintiffs' class action complaint; and

c. In the event that the JPML orders the transfer of the Google Wi-Fi cases, and all subsequently filed related actions, to a single judicial district for coordinated or consolidated pretrial proceedings, Google shall plead, answer, move, or otherwise respond to plaintiffs' class action complaint within thirty days from (a) the date that plaintiffs file a master consolidated complaint in the transferee district or (b) the date that it is resolved by the transferee court and/or counsel for plaintiffs and Google that no master consolidated complaint will be filed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: June 21, 2010

By: /s/ David J. Burman